

# Regular Meeting

<b>Agenda Item #</b>	7
<b>Meeting Date</b>	December 13, 2004
<b>Prepared By</b>	Barbara B. Matthews and Chief Cynthia Creamer
<b>Approved By</b>	Barbara B. Matthews City Manager

<b>Discussion Item</b>	Amendment to the Takoma Park Code, Title 13, Vehicles and Traffic, to Increase Fines for Various Parking Violations and Adding Several New Provisions
<b>Background</b>	<p>On November 29, 2004, the Council held a work session to discuss the shortfall in funding for the Community Center project. During the work session, the Council reviewed a number of revenue enhancements and expenditure reductions/reallocations that had been proposed by the City Manager in mid-October.</p> <p>One of the ways proposed by the City Manager to increase revenues concerned the increase in fines for various parking violations. The Chief of Police recommends that the new fine structure be adopted in conjunction with the adoption of the updated/reformatted City Code to facilitate the printing of new ticket books.</p> <p>Additionally, Council expressed interest in adopting laws governing parking near a bus stop and vehicles parked without current registration. Council also discussed concern about the restrictiveness of “making other than emergency repairs” of vehicles parked on the street.</p>
<b>Policy</b>	The Council amends the City Code by adoption of a two reading ordinance.
<b>Fiscal Impact</b>	Approximately \$ 70,700 annual increase in fines due from parking violations. Additional costs (e.g., for court time) may be incurred but details to quantify are insufficient.
<b>Attachments</b>	Proposed ordinance to increase fines for various parking violations and adding three new violations.
<b>Recommendation</b>	It is recommended the ordinance become effective March 1, 2005. This provides the opportunity to re-print parking ticket books, and allows for publicity in local news venues.
<b>Special Consideration</b>	

Introduced by: Councilmember Elrich

First Reading: December 6, 2004

Second Reading:

Drafted by: Chief Creamer  
Takoma Park Police

Effective Date:

## **ORDINANCE NO. 2004-38**

### **(Amending *Takoma Park Code* to Change the Parking Violation Fine Schedule and to Add Additional Parking Violations)**

**WHEREAS**, Title 13, Vehicles and Traffic, of the *Takoma Park Code* (2004 edition), dealing with the issuance and enforcement of tickets for parking violations, is intended to aid the City's parking enforcement process and the regional effort for consistent, safe parking for all persons; and

**WHEREAS**, the fine schedule for numerous routine parking violations has been effective for more than six years and is now inconsistent with the fines charged in Montgomery County and other municipalities; and

**WHEREAS**, the Council desires to increase the City's fines for parking violations in order to bring the City's fines more in line with the fines imposed by neighboring jurisdictions; and

**WHEREAS**, the Council desires to add certain parking prohibitions to the Takoma Park Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THAT:**

**SECTION 1.** Title 13, Vehicles and Traffic, of the *Takoma Park Code* (2004 edition), is amended as follows:

#### **Section 13.04.020. Definitions.**

**"Unregistered vehicle" means any motor vehicle, except a vehicle exempted from registration by state law, which does not have valid registration plates or which has expired registration plates or stickers or fictitious registration plates or stickers attached to the vehicle.**

#### **Section 13.20.020 Parking prohibitions.**

No person shall cause, allow, permit or suffer any vehicle registered in the name of or owned or operated by him or her to be stopped, left standing or parking in any of the following places, except in compliance with the directions of a police officer:

\* \* \* \*

~~I. On any highway for the purpose of making repairs, except those of a minor nature, and then only in case of emergency;~~

\* \* \* \*

#### **Section 13.20.040      Parking or standing–Prohibited areas.**

A. No person shall cause, allow or permit any vehicle registered in the name of or owned or operated by him or her to be parked or left standing in any of the following places:

\* \* \* \*

4. Within 15' of a fire hydrant or bus stop.

\* \* \* \*

#### **Section 13.20.090      Storing or parking vehicles–Unregistered vehicles, repairs on public property.**

~~No person shall store or park an automobile or motor vehicle not having current license plates displayed thereon or any automobile parts or other unsightly article on any public or private property for more than 30 days consecutively, except in a garage or licensed commercial establishment or otherwise effectively screened from public view. (Prior code § 13-68)~~

A. No person shall park or store any unregistered motor vehicle on a highway or other public property in the City at any time.

B. No person shall perform service or repairs on a motor vehicle parked on a highway or other public property in the City and no person shall store or park, on a highway or other public property in the City, any motor vehicle left in the custody of any vehicle repair facility, body shop, garage, or service or parking facility; provided however, that this section shall not apply to:

1. emergency service or repairs necessary for the removal of an inoperative motor vehicle;
2. an owner of the motor vehicle performing minor service or repairs on a vehicle which is otherwise legally parked and operative; or
3. the accommodation for the immediate transfer, exchange or removal of a motor vehicle to or from a vehicle repair facility, body shop, garage, or service or parking facility.

#### **Section 13.40.010      Schedule of fines and charges.**

The amount of fines, additional penalties and service charges for violations of this title shall be as follows:

Chapter/Section	Brief Description	Fine	Penalty	Service Charge <sup>2</sup>
Chapter 13.12	Parking meter regulations	<del>\$10.00</del> <u>\$35.00</u>	<del>\$10.00</del> <u>\$35.00</u>	\$15.00
Chapter 13.20; except Sections 13.20.040(B) and 13.20.040(C)	Parking prohibitions (Section 13.20.020); residential permit parking (Section 13.20.030); prohibited parking areas (Section 13.20.040); manner of parking (Section 13.20.060); displaying "for sale" sign on parked vehicle (Section 13.20.070); commercial vehicle parked in residential zone (Section 13.20.080); storing or parking vehicles (Section 13.20.090)	\$25.00	\$25.00	\$15.00
<u>Section 13.20.010</u>	<u>Impeding traffic</u>	<u>\$40.00</u>	<u>\$40.00</u>	<u>\$15.00</u>
<u>Section 13.20.020</u>	<u>Any violation of 13.20.020 not designated below</u>	<u>\$35.00</u>	<u>\$35.00</u>	<u>\$15.00</u>
<u>Section 13.20.020(A)</u>	<u>Within intersection</u>	<u>\$40.00</u>	<u>\$40.00</u>	<u>\$15.00</u>
<u>Section 13.20.020(B)</u>	<u>On crosswalk</u>	<u>\$45.00</u>	<u>\$45.00</u>	<u>\$15.00</u>
<u>Section 13.20.020(C)</u>	<u>On bridges/underpass</u>	<u>\$40.00</u>	<u>\$40.00</u>	<u>\$15.00</u>
<u>Section 13.20.030</u>	<u>Residential permit parking violation</u>	<u>\$40.00</u>	<u>\$40.00</u>	<u>\$15.00</u>
<u>Section 13.20.040</u>	<u>Any violation of 13.20.040 not designated below</u>	<u>\$35.00</u>	<u>\$35.00</u>	<u>\$15.00</u>
<u>Section 13.20.040(A)(1)</u>	<u>Violation of official sign</u>	<u>\$40.00</u>	<u>\$40.00</u>	<u>\$15.00</u>
<u>Section 13.20.040(A)(4)</u>	<u>Within 15' of a fire hydrant or bus stop</u>	<u>\$45.00</u>	<u>\$45.00</u>	<u>\$15.00</u>

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<sup>1</sup>See Section 13.36.030. A penalty for late payment is imposed if the fine for the violation is not paid within 15 days from the date of issuance

<sup>2</sup>See Section 13.36.030. A service charge is imposed if payment of the fine is made more than 30 days after the date of issuance of the parking ticket.

<u>Section 13.20.040(A)(9)</u>	<u>Within 5' of a driveway</u>	<u>\$40.00</u>	<u>\$40.00</u>	<u>\$15.00</u>
Section 13.20.040(B)(6)	Fire lanes	<del>\$100.00</del> <u>\$250.00</u>	<del>\$250.00</del> <u>\$100.00</u>	\$15.00
Section 13.20.040(C)(A)(11)	Handicapped parking	<del>\$200.00</del> <u>\$250.00</u>	<del>\$250.00</del> <u>\$100.00</u>	\$15.00
<u>Section 13.20.060</u>	<u>Any violation of 13.20.060</u>	<u>\$35.00</u>	<u>\$35.00</u>	<u>\$15.00</u>
<u>Section 13.20.070</u>	<u>"For sale" sign on vehicle parked on highway</u>	<u>\$35.00</u>	<u>\$35.00</u>	<u>\$15.00</u>
<u>Section 13.20.080</u>	<u>Parking commercial vehicles in residential zone</u>	<u>\$40.00</u>	<u>\$40.00</u>	<u>\$15.00</u>
<u>Section 13.20.090(A)</u>	<u>Parking an unregistered vehicle on highway or public property</u>	<u>\$40.00</u>	<u>\$40.00</u>	<u>\$15.00</u>
<u>Section 13.20.090(B)</u>	<u>Performing vehicle repairs or service on a vehicle on highway or public property</u>	<u>\$40.00</u>	<u>\$40.00</u>	<u>\$15.00</u>
Section 13.24.030	Emergency or temporary no parking and no traffic zones	<del>\$25.00</del> <u>\$40.00</u>	<del>\$25.00</del> <u>\$40.00</u>	\$15.00
Section 13.24.040	Snow emergency	\$100.00	\$100.00	\$15.00
Section 13.24.050	Towing and impounding <u>illegally parked vehicles</u>	Fine for the violation, plus towing/storage charges.	\$15.00	\$15.00 <sup>3</sup>

**SECTION 2.** This Ordinance shall be effective on March 1, 2005.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2004 by roll call vote as follows:

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<sup>3</sup>See Section 13.24.050. In any case involving the towing or impounding of a vehicle, the service fee of \$15.00 is imposed immediately and must be paid before the vehicle may be released to the owner or his or her authorized agent.

Aye:  
Nay:  
Absent:  
Abstain:

### **EXPLANATORY NOTE**

**Additions** to the existing language of the *Takoma Park Code* are shown by **highlighting and underlining**.

~~Deletions~~ to the existing language of the *Takoma Park Code* are shown by ~~strikeout~~.

\* \* \* \* indicates language of the *Takoma Park Code* which is not reproduced in this Ordinance and which is not being changed.

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